

**LOWER PROVIDENCE TOWNSHIP
PLANNING COMMISSION
JULY 23, 2008 MEETING MINUTES**

1. Call to Order:

A. Chairman Schlack called the Planning Commission meeting to order at 7:34 p.m.

2. Pledge of Allegiance

3. Roll Call:

A. The following planning commission members were present: Mr. Kuberski, Mr. Rutledge, Mrs. Satterwhite, Mr. Schlack, Mr. Stemple, and Ms. Zimmerman.

B. Mr. Bodek and Mr. Endlich were absent.

C. Additional attendees included: Ms. Jean Holland, Montgomery County Planning Commission, Mrs. Marie Altieri, Board of Supervisors Liaison, Mr. Lonnie Manai, Township Engineer, Mr. Joseph Dunbar, Township Manger, and Mr. Michael Siegel, Director of Community Development.

4. Approval of Planning Commission Previous Meeting Minutes:

A. Planning Commission Meeting Minutes for June 25, 2008:

1. Chairman Schlack commented that the June 25, 2008 meeting was not held; therefore there are no minutes to approve.

5. Subdivision and Land Development Reviews:

A. S-07-14 – Victory Christian Church Expansion Preliminary Land Development:

1. Mr. Michael Beuke, RLA, CLA, of Showalter & Associates, was present to provide an overview of the plan.
2. Mr. Beuke commented that he has received the new executive summary regarding the application with three updated review letters, and there are no real outstanding issues. He would like to request that the Planning Commission (PC) consider this application for both preliminary and final approval this evening.
3. Chairman Schlack questioned how much of the review comments would be complied with? Mr. Beuke indicated that they are basically complying with all items.
4. Ms. Zimmerman asked if the depth of the detention basin was greater than four feet, and if so would they request a waiver for this?
 - a) Mr. Beuke explained that because of the parking lot and the steepness of the slope in the entrance drive area; they needed to go down deeper than they thought they would for the basin. The basin is approximately 7' deep.
 - b) Mr. Stemple asked if there would be a fence around the basin? Mr. Beuke indicated there would be a fence.
 - c) Mr. Manai noted that the existing basin also exceeds requirements, so there is an existing non-conformance with regard to basin depth. This was installed prior to the current requirements being in the code.
 - d) Mr. Schlack questioned if they needed the depth for volume? Mr. Manai indicated yes.
 - e) Mr. Beuke explained that the entrance drive greatly restricts where they can put the basin. He showed where the driveway is and the area is already a 3:1 slope. This is on sheet 3 of 15 in the plan.
 - f) Mr. Schlack asked if they could go to a 2:1 slope? Mr. Siegel commented they would still need the depth. Mr. Beuke indicated he was willing to explore this.

- g) Mr. Rutledge asked if they could install a retaining wall? Mr. Beuke stated he could explore this too, but is concerned with children's safety and the basin.
 - h) Mr. Manai commented that if they go to a 2:1 slope, it pushes the drive further into the slope requiring further grading and cutting, so he would prefer to leave the slope as it is.
 - i) Mr. Beuke noted that they are also using another existing basin, but will bring it into compliance with code.
5. Mr. Stemple questioned there would be any problem with using a 3" instead of a 5" concrete base, and 5" instead of 3" modified stone as referenced in the July 3, 2008 letter from Showalter to Mr. Schlack? He asked if this would require a partial waiver?
- a) Mr. Schlack explained that the church would maintain the driveway so it is not a real issue. If this weren't a private road they would need to comply with code.
6. Mr. Schlack asked if they had considered installing an underground basin?
- a) Mr. Beuke commented that he has looked at that. The underground basin is listed in the Chambers review letter and could be one of the BMP's they install on site. He is willing to explore this option.
 - b) Mr. Schlack suggested that they do look into this, as it would be much better than a hole in the ground with a fence around it.
7. Discussion of waiver requests:
- a) Detention basin greater than 4':
 - (1) Mr. Schlack commented that if they are going to look into the underground basin they might not need this waiver.
 - (2) Mr. Beuke noted that he will look into that basin, however they still may need to exceed 4'. Also, the site has a lot of bedrock, so they may not be able to go deeper to install the underground basin.
 - (3) Mr. Schlack asked if the site had been perked? Mr. Beuke does not believe this has been done yet.
 - b) Screen buffer:
 - (1) Mr. Beuke met with Glenn Harris at CMX, who is in favor of this request. Mr. Beuke reviewed the items this would effect:
 - (a) Eliminate the proposed buffer in the northwest corner of the site because of existing vegetation.
 - (b) Reduce the proposed buffer in the northern corner of the site as they are proposing a buffer down further near the parking area.
 - (c) Allow buffering outside of the buffer yard. Mr. Beuke explained the buffer yard is a restricted amount of space and they want to create a more natural buffer.
 - (d) Eliminate the installation of a mound. This relates to elevation changes on the site, and Mr. Harris is also in favor of not installing the mound.
 - c) Paving:
 - (1) This relates to the changes in concrete and stone.
8. Mr. Beuke commented that is would like to request preliminary and final plan approval. They were previously before the PC and there were a long list of concerns. This was originally scheduled for the April agenda, however the Township requested they postpone this plan while they were addressing the ARC at the PC level. In that time they have done a lot of work on this plan.

- a) Mr. Siegel commented that the applicant has been very up front with staff, meeting with them, addressing consultants concerns, and allowing their plan to be postponed for the ARC. He recommended that the plan be considered for preliminary and final.
 - 9. Mr. Dunbar noted that in the February 27, 2008 PC meeting minutes, item 12, and the applicant had agreed to pave and repair the trails in Eskie Park in lieu of paying the Parks & Recreation fee. He asked if this was captured anywhere?
 - a) Ms. Zimmerman asked if the applicant was willing to perform this work?
 - b) Mr. Beuke indicated they were as long as it did not exceed the fee in lieu of. He noted that the fee had been identified as \$14,740 in a January 3, 2008 memo to Mr. Siegel from Ms. Kelly Donohue.
 - c) Mr. Dunbar commented that the applicant would control the clock and therefore cost increases for this project depending when they begin the work, once final plan approval is granted.
 - d) Mr. Dunbar remarked that this applicant has been very pleasant to work with.
 - e) Mr. Schlack noted that the Township bid for this project came in at \$34,000. Mr. Dunbar explained that the P&R crew would carve out effected areas, and the applicant would do the overlay.
 - 10. Waiver Request Approvals:
 - a) Section 123-104.D.3 – Detention basin greater than 4’:
 - (1) Mr. Siegel suggested adding a condition that in the alternative they seek the use of an underground pipe for BMP.
 - (2) Mr. Dunbar commented that they should do the BMP first, and if it is not possible then grant the waiver.
 - (3) **MOTION** – Ms. Zimmerman made a motion that the applicant explores the BMP options to install the pipe underground. And if after exploring this with the Township Engineer it is determined it will not work, a waiver of Section 123-104.D.3 to allow a fenced detention basin greater than 4’ in depth is recommended. Mrs. Satterwhite seconded the motion. The motion *passed* 6-0.
 - b) Section 123-50.C – Screen Buffer:
 - (1) **MOTION** – Ms. Zimmerman made a motion to recommend granting a waiver from Section 123-50.C with regard to the standards for screen buffer design. Mr. Stemple seconded the motion. The motion *passed* 6-0.
 - c) SALDO Appendix A.101.2.A – Paving Specifications:
 - (1) **MOTION** – Mr. Stemple made a motion to recommend granting this waiver request. Mrs. Satterwhite seconded the motion. The motion *passed* 6-0.
 - 11. **MOTION** – Ms. Zimmerman made a motion to grant preliminary and final approval for the 3826 Victory Christian Church major land development plan S-07-14 with the condition that the church prepare and pave the Eskie Park trail. It is recommended that the Board of Supervisors consider accepting this work in exchange for waiving a fee in lieu of P&R and TIF fees for the project. Mr. Stemple seconded the motion.
 - a) Mr. Beuke questioned what was being waived? It was explained that they are recommending the Board consider waiving the fee in lieu of payment for both P&R and TIF in exchange for the work being done for the trail.
 - b) **MOTION VOTE** – The motion *passed* 6-0.
- B. S-08-03 – Stephen J. & Amy Gaus Sketch Plan Minor Subdivision:

1. Ms. Patricia Leisner Clements, Esq., was present to provide an overview of the sketch plan. She explained that Mr. and Mrs. Gaus had work obligations they were unable to get out of, and apologized for not being present.
 2. Ms. Clements explained that they were before the PC last summer with a plan for three lots. They have responded to comments from that meeting and revised the plan to two lots. This modification removes a previous flag lot from the plan.
 - a) The historic barn and house will be retained.
 - b) Lot one will take access from Park Avenue, and lot two will take access from Mockingbird Lane. This will not change the character of the cul-de-sac, just allow lot two to have access through it.
 - c) With the exception of sidewalks along Park Avenue, they can comply with all other review comments. The sidewalk on Park Avenue would be in the vicinity of a sharp bend, and not be safe. The applicant is willing to pay a fee in lieu of this sidewalk.
 - d) Mr. Dunbar commented that he does not think PennDOT would want a sidewalk in that location from a safety perspective either.
 3. Mr. Siegel noted there is a title issue relating to the drainage easement from 1966, and the applicant will have to ensure there is a clear title to that property prior to going before the Board of Supervisors.
 4. Mrs. Altieri questioned the rehabilitation and refurbishment of the existing barn. Ms. Clements explained that currently they are planning to refurbish the existing barn in its' current location.
 5. Mr. Kuberski asked what the drainage easement was for? Mr. Siegel noted it was just in case it is needed, however they have never had any drainage problems in that area.
 6. Mr. Schlack asked if they were proposing a well for lot 2? Mr. David Shula, an engineer with Chester Valley Engineers, noted they propose both lots to be on public water and sewer. This will require an easement on lot two to extend down the property.
 7. Mr. Albert Dilworth, 2824 Eagleville Road, discussed stormwater concerns with Mr. Manai. He is concerned the driveway could block water flow.
 - a) Mr. Dilworth asked what would be done to the barn if it were found to be structurally deficient? Ms. Clements indicated that if it is not viable they will need to deal with it in the future, and any plans would have to come before this Board for approval.
 - b) Mr. Dilworth asked if a new house would be on the same footprint? Ms. Clements indicated this is based on speculation and she does not have an answer, they would need to deal with that when the time comes.
 8. Mr. Stemple asked if they would make the address changes? Ms. Clements indicated they would do everything except the sidewalks.
 9. Mr. Siegel indicated his only concern was that the legal easement be satisfied prior to submitting the plan.
- C. S-08-05 – 1409 Gertrude Avenue Joy Galletta Minor Preliminary / Final Subdivision:
1. Mr. Michael Furey, Esq., and Mr. William Conner, PLS, Conner & Smith Engineering were present to discuss the application. The applicant, Joy Galletta, was also present.
 2. Mr. Furey explained that the plan is for a two-lot subdivision, with the existing house and driveway on one lot, and one new proposed lot with its' own access for the second lot. They are seeking preliminary and final plan approval this evening.
 - a) Mr. Furey indicated they have no major issues with the review letters, but will have a few waiver requests.

- b) In November they met with Township staff to discuss zoning. Mr. Furey wanted to ensure they met requirements for Section 143-20, requiring both lots to abut a major road right-of-way for a minimum of 50ft., which they do.
 - c) There is an issue with the existing driveway, which is not totally in the right-of-way. Ms. Galletta believes this has existed this way for about 30 years.
3. Mr. Stemple asked if public water and sewer would service the lots? Mr. Conner explained that on-site water and sewer would service the existing home. The new lot would connect to public sewer, but there is no public water in the area.
 4. Ms. Zimmerman asked if they were able to dedicate the right-of-way to the Township? Mr. Conner stated they could offer the land that they have for dedication between the legal right-of-way and their property.
 5. Mr. Conner stated they would comply with the July 3, 2008 Chambers Associates review letter, and could comply with the letter from the Montgomery County Planning Commission. He remarked that the MCPC letter suggested they connect the proposed driveway to the existing driveway, which they prefer not to do. They would rather see the new lot have its' own driveway.
 6. Mr. Conner asked if they would need a waiver for the storm basin? After discussion it was noted this is only two feet deep so no waiver is required.
 7. Mr. Stemple questioned the distance for driveway access. Mr. Conner noted they would need a waiver from this because they only have 75' and a 200' separation is required.
 - a) Mr. Manai noted they are limited with driveway placement because of the existing driveway.
 - b) Ms. Holland commented that her remarks with regard to crossing wetlands were to improve the environmental impact, but she will defer to the Township.
 - c) Mr. Kuberski asked why they couldn't connect to the existing driveway? Mr. Conner remarked they prefer it to be separate. Mr. Schlack noted they would have to reconfigure the house to connect to the existing driveway.
 - d) Mr. Furey explained that the existing driveway is already shared by two homes, and to connect a third home to it might present more problems.
 - e) Ms. Holland noted they would need a permit to cross the wetlands. Mr. Manai explained that with the permit required from the DEP, they will look at any environmental impacts and require mitigation if necessary.
 8. Public Comment:
 - a) Mr. Kerwin Nailor, 1427 Gertrude Avenue, questioned the requirements for mitigation if the water runoff is increased?
 - (1) Mr. Schlack explained that was the reason they area required to install the storm drain.
 - (2) Mr. Nailor and Mr. Conner discussed issues relating to water. Mr. Manai explained what they look at when determining stormwater controls to be installed. Mr. Schlack noted it would probably have less water runoff when done than it has now.
 - (3) Mr. Nailor questioned if there was adequate frontage. Mr. Furey and Mr. Manai explained how this is measured, and the applicant does meet this requirement.
 - b) Mrs. Eileen Robertson, 1380 Weatherill Road, commented that the flag lot fronts on her property and wanted to know if this would adversely affect her property?
 - (1) Mr. Furey explained that this meets the requirement because the lot abuts the right-of-way for 50'. There is a difference between the cart way and right-of-way.
 - (2) Mrs. Robertson noted that the cart way was installed in 1982. She verified this with the previous property owner.

- (3) Mrs. Robertson explained that the driveway crosses her property. This has existed for a long time and is grand fathered. If a new house comes in, she would prefer that it does not use that driveway too. She would like the new house to have its' own driveway.
 - (4) Mrs. Robertson was concerned that they would dedicate her property to the Township. It was explained that this couldn't occur; they can only dedicate the land they own.
 - (5) Mrs. Robertson discussed the storm drains in the area. She explained that since the road was paved, none of the drains works well. Water just sits on the road and in the winter ice forms. This water also dumps into her yard. Mr. Conver noted they would not be adding any water to this situation; the new property is lower than the drain.
 - (6) **ACTION ITEM** – Township staff needs to revisit the existing storm drain inlets in this area of the Township.
 - (7) Mrs. Robertson is concerned with any additional environmental or water issues that could arise. There is a lot of clearing and re-grading that will occur, and she questioned the impact on water. Mr. Conver explained how these concerns go into determining stormwater calculations. He noted that some trees would be removed.
 - (8) Mr. Siegel noted they must show the trees larger than 8" in circumference to be removed on the plan.
 - (9) Mrs. Robertson asked what the process would be for this plan? Mr. Siegel explained that once the plan was clean enough it would go to the Board of Supervisors, probably in September. He encouraged her to check the agenda's on the Township website for when this was on the agenda.
- c) Mrs. Dorrie Nailor asked if the sewer line could be installed so that it would not kill trees? Mr. Conver explained that sewer lines are typically installed along the driveway, and they will work on it.
9. Waiver Requests:
- a) Section 123-36.B.1 – Requirement for driveway access to be at least 200' apart:
 - (1) **MOTION** – Mr. Stemple made a motion to waive the driveway separation requirement because of hardship from the existing driveway condition. Mrs. Satterwhite seconded the motion. The motion *passed* 6-0.
 - b) Section 123-39.I.3.i – Requirement for installation of public water and sewer:
 - (1) Mr. Conver explained that they would install the sanitary sewer for lot two, and are requesting waiver of public water only. Lot one will remain on private water and sewer.
 - (2) **MOTION** – Mr. Stemple made a motion to waive the requirement to connect to public water for lot 2 only, the applicant will install the sanitary sewer. Mr. Kuberski seconded the motion. The motion *passed* 6-0.
 - c) Section 123-43.A and Section 123-104.D.13 – Relating to freeboard height and emergency the spillway:
 - (1) **MOTION** – Ms. Zimmerman made a motion to recommend they waive the requirement for Section 123-43.A to allow a freeboard height of less than one foot, and from Section 123-104.D.13 the requirement for the emergency spillway due to the depth of the basin. Mr. Stemple seconded the motion. The motion *passed* 6-0.
 - d) Section 123-32 and Section 123-33 – Requirement for installation of curbs and sidewalks:
 - (1) Mr. Conver explained that there are no other curbs or sidewalks in this area, and the neighbors do not want them installed.

(2) **MOTION** – Ms. Zimmerman made a motion to recommend a waiver of Section 123-32 requiring curbs, and Section 123-33 requiring installation of sidewalks. Mrs. Satterwhite seconded the motion. The motion *passed* 6-0.

e) Mr. Stemple asked if they need to submit a tree plan prior to going to the Board of Supervisors with this? Mr. Siegel stated they would have to do this anyway.

10. **MOTION** –Mrs. Zimmerman made a motion to recommend granting preliminary and final plan approval for plan S-08-05, 1409 Gertrude Avenue, minor subdivision plan. Mr. Stemple seconded the motion. The motion *passed* 6-0.

6. Other Business:

A. Old Business –

1. None.

B. New Business –

1. **ACTION ITEM** – Mr. Schlack noted they need to approve the minutes from the May 28, 2008 meeting at the next PC meeting because these have not yet been approved.

2. Discussion of the formation of a proposed tree ordinance committee:

a) Mr. Siegel explained that Supervisor Brown has requested the Township revisit the tree ordinance to come up with one that is viable. He would like to establish a Tree Ordinance Committee with volunteer members sometime after the summer, and would like several representatives from the PC. Anyone interested in participating should contact Mr. Siegel or Mr. Brown.

3. Montgomery County Land Development Award for CVS / Audubon Inn:

a) Mr. Siegel noted that the CVS / Audubon Inn project has won the Montgomery County Planning Commission's Land Development Award, which will be presented in November. He thanked the PC for all of their support in working on this plan.

b) Mr. Schlack noted that there were so many people against this project, and a lot of them have come up to him to say how nice it turned out.

c) Mr. Dunbar thinks that the PC should be represented when they get this award, as it was a collaborative effort.

d) Mr. Manai noted that this project also brought about significant drainage improvements in that area of the Township.

e) Mr. Siegel is hopeful they will see similar positive changes along Ridge Pike.

7. Adjourn

A. **MOTION** – Mr. Stemple made a motion to adjourn the meeting. Mr. Kuberski seconded the motion. The motion *passed* 6-0. The meeting ended at 9:15 p.m.

Next Meeting: August 27, 2008 – Regular Meeting
September 24, 2008 – Regular Meeting